NCA
VOC FOR PGM/FN
BACKGROUNDER NO. 5-6075 AUGUST 10, 1978
FRED BROWN/NEW DELHI

THE GANDHI INVESTIGATION: NOW COMPLETE

ANNCR:

IN INDIA, A SPECIAL INVESTIGATORY GROUP -- THE SHAH COMMISSION -- HAS COMPLETED ITS PROBE OF ALLEGED EXCESSES COMMITTED DURING FORMER PRIME MINISTER INDIRA GANDHI'S EMERGENCY RULE. CORRESPONDENT FRED BROWN HAS THIS BACKGROUND REPORT:

VOICE:

THE SHAH COMMISSION TOOK FIFTY-THREE WEEKS AND ONE HUNDRED HEARINGS TO COMPLETE ITS PROBE, BEFORE HANDING OVER ITS FINAL REPORT TO THE INDIAN HOME MINISTRY EARLIER THIS WEEK. THE HEARINGS WERE HELD MOSTLY IN NEW DELHI, BUT JUSTICE SHAH, A FORMER CHIEF JUSTICE OF THE INDIAN SUPREME COURT, ALSO HELD ONE ROUND OF PROCEEDINGS IN BANGALORE, IN SOUTH INDIA. HUNDREDS OF WITNESS WERE CLOSELY EXAMINED DURING THE SESSION AND PUBLIC AND MEDIA INTEREST REMAINED HIGH THROUGHOUT THE LENGTHY PROCEEDINGS.

FORMER PRIME MINISTER INDIRA GANDHI, HER SON SANJAY GANDHI, FORMER DEFENSE MINISTER BANSI LAL, AND SOME OTHER CLOSE ASSOCIATES OF MISSUS GANDHI, REFUSED TO TESTIFY UNDER OATH BEFORE THE COMMISSION AND NOW FACE PROSECUTION FOR CONTEMPT. BUT THOSE WHO DID TESTIFY GAVE THE COMMISSION ABUNDANT MATERIAL TO FORMULATE ITS REPORT -- A REPORT THAT CLEARLY INDICTS MISSUS GANDHI AND HER ASSOCIATES ON CHARGES OF MISSUSE OF POWER AND OF BEING A PARTY TO VARIOUS EXCESSES DURING THE EMERGENCY. IN SUBMITTING HIS REPORT, JUSTICE SHAH WARNED THAT THE FINDINGS MUST N-O-T BE ALLOWED TO GATHER DUST LIKE THOSE OF OTHER GOVERNMENT APPOINTED COMMISSIONS IN THE PAST. SOME THOUGHT HE MIGHT HAVE BEEN THINKING OF TWO EARLIER REPORTS HE SUBMITTED.

THE SHAH COMMISSION WILL SHORTLY PRESENT ITS OFFICIAL RECORDS TO THE HOME MINISTRY. THE RECORDS ARE STORED IN A HUGE TEAKWOOD CHEST CONTAINING TWO-HUNDRED-FIFTY-FOUR TAPES AND HUGE VOLUMES OF NEWSPAPER CLIPPINGS OF THE PROCEEDINGS. THIS WAS THE FIRST COMMISSION IN INDIA TO TAPE-RECORD ITS ENTIRE PROCEEDINGS.

WHILE, AS YET, NO ONE HAS BEEN PROSECUTED ON THE BASIS THE COMMISSIONS FINDINGS, THE INQUIRY ALREADY HAS HAD SOME BENEFICIAL RESULTS. ON THE BASIS OF INFORMATION PASSED ON TO STATE INQUIRY PANELS FIFTEEN THOUSAND GOVERNMENT EMPLOYEES WHO WERE FORCED TO RETIRE DURING THE EMERGENCY HAVE BEEN REINSTATED, AND OTHER CASES ARE BEING REVIEWED. EFFORTS HAVE ALSO BEEN MADE TO REHABILITATE PEOPLE CONSIDERED VICTIMS OF THE EMERGENCY -- INCLUDING THOSE MADE TO UNDERGO STERILIZATION OPERATIONS AND THOSE WHOSE HOUSES WERE BULLDOZED DURING THE EMERGENCY IN THE NAME OF SLUM CLEARANCE.

WJL/PY